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Human rights defenders

Report of the Secretary-General**

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 54/170 of 17 December 1999, in which the Assembly called upon Governments, specialized agencies and relevant intergovernmental and non-governmental organizations to submit, at the request of the Secretary-General, on the basis of Commission on Human Rights resolution 1999/66 of 28 April 1999,[1] proposals and ideas that should contribute substantially to further work on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.[2] The Assembly also called upon the Commission on Human Rights to consider at its fifty-sixth session the report to be prepared by the Secretary-General pursuant to Commission resolution 1999/66, and requested the Secretary-General to report to the Assembly at its fifty-fifth session on measures to implement the Declaration.

2. In his report to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/95), the Secretary-General summarized the views of the Governments, specialized agencies and intergovernmental organizations on the implementation of the Declaration and presented possible ways for its implementation. These included (a) the widespread dissemination of the Declaration in order to popularize it; (b) the incorporation of monitoring its implementation into existing United Nations mandates; (c) the establishment of a new United Nations mandate to monitor its implementation; (d) the active promotion of the Declaration by the Secretary-General, the United Nations High Commissioner for Human Rights and the United Nations human rights mechanisms; and (e) the effective promotion and implementation of the Declaration by all Member States.

3. By resolution 2000/61 of 26 April 2000,[3] the Commission, inter alia, requested the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration. That request was endorsed by the Economic and Social Council in its decision 2000/220 of 16 June 2000.

* A/55/150.

** In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 11 August 2000 so as to include as much updated information as possible.

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II. Role and risks of human rights defenders

4. Article 1 of the Declaration proclaims that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels". The legislative, administrative and other steps necessary to ensure that the rights and freedoms referred to in the Declaration are effectively guaranteed should be adopted by each State. In accordance with the fourth preambular paragraph of the Declaration, human rights defenders are persons acting alone or in association with others in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources. They may belong to different professions, be members of governmental and non-governmental institutions, including civil servants, for example, law enforcement officers or prison officials. The activities of human rights defenders concern all categories of human rights: civil, cultural, economic, political, and social. Inspired and guided by human rights standards, human rights defenders act against the serious problems that affect the life of people throughout the world, such as hunger and poverty, intolerance and discrimination, abuse of power and corruption, insecurity, conflicts and repression, injustice and deprivation of liberty. They assist victims of human rights violations. In the work of human rights defenders, the concept of prevention takes a prominent place since, though just and necessary, compensation of victims always comes too late.

5. Human rights defenders are at the core of the human rights movement the world over. They work at democratic transformation in order to increase the participation of people in the decision-making that shapes their lives. Human rights defenders contribute to the improvement of social, political and economical conditions, the reduction of social and political tensions, the building-up of a peaceful environment, domestically and internationally, and the nurturing of national and international awareness of human rights. They form the base that regional and international human rights organizations and mechanisms, including those within the United Nations, build upon in the promotion and protection of human rights.

6. For their involvement in the struggle for human rights, the defenders are often the first victims of human rights violations perpetrated by State officials or non-State entities. Violence against them ranges from the most outright attacks against life, physical integrity and personal security and dignity, to more subtle and often diffuse forms of violence such as social disqualification through the association of human rights work with criminal activities, for example, terrorism or national treason. Legal restrictions imposed on freedom of association, assembly, information and movement are used to make human rights activities illegal. Judicial repression and physical violence are also used to hinder human rights advocacy. Human rights defenders can be the victims of harassment, threats, intimidation and restrictions on living conditions, such as loss of employment, denial of the right to work, of medical care or education for their children, loss of housing, land or citizenship. Violence also affects the relatives of human rights defenders and other persons associated with them.

7. Some human rights defenders are at greater risk because of the nature of the rights that they are seeking to protect. This is particularly true with regard to women who are human rights defenders. In many situations, women are at the front line of the struggle, not only for their own rights but also for those of their families and communities. In the midst of these struggles, many of these women are also personally at risk, for example, when they challenge the structures of societies that perpetuate discrimination against women, in particular where they relate to issues of sexuality and reproductive rights. Many women face additional discrimination because of their race, ethnicity, language, culture, religion or sexual orientation. In these circumstances, the call in the Beijing Platform for Action[4] for Governments to ensure the protection of women engaged in the defence of human rights is of particular importance.

8. In resolution 54/170 of 17 December, the General Assembly, noting with deep concern that, in many countries, persons and organizations engaging in promoting and defending human rights and

fundamental freedoms are facing threats, harassment and insecurity as a result of those activities and reiterating the importance of the Declaration, called for proposals and ideas that should contribute substantially to further work on the implementation of the Declaration. The importance of the Declaration and its promotion and implementation was also reiterated by the Commission in resolution 2000/61.

9. By resolutions 1998/3 of 20 August 1998 and 1999/3 of 20 August 1999,[5] the Subcommission on the Promotion and Protection of Human Rights noted with deep concern that, in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights were facing threat, harassment and insecurity. It expressed concern at the increasing number of cases brought to its attention, concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, had been persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or by threat of suppression or actual suppression of the legal personality of the organization to which they belonged.

10. In view of this situation, the Subcommission urged each State to take measures to ensure the effective respect of its obligation in the field of human rights in accordance with the provisions of international instruments, including the Declaration, and to guarantee to individuals, groups, associations, organizations and organs of society the necessary conditions to exercise fully their activities in favour of the recognition, promotion and defence of human rights, and to ensure the security of all persons covered by the Declaration who were being persecuted because of their human rights activities.

11. In the same resolutions, the Subcommission also condemned the murders of 17 named human rights defenders. It called upon the Governments concerned to carry out thorough investigations to identify perpetrators and bring them to justice, and to ensure that crimes committed against human rights defenders do not go unpunished. It also requested the High Commissioner for Human Rights to undertake inquiries about the security of 18 other named individual human rights defenders whose life or security was deemed to be at risk and to inform the Subcommission of the results of her inquiries. The High Commissioner is providing the requested information to the Subcommission.

12. United Nations organs also express concern about continuing reports on repressive measures taken against private individuals and groups that cooperate with the United Nations in human rights matters. This is a problem closely related to human rights defenders. In resolution 2000/22 of 18 April 2000,[6] the Commission on Human Rights urged Governments to refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for that purpose; those who submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations. Further, the Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies to help prevent the hampering of access to United Nations human rights procedures in any way and to report on such cases to the relevant United Nations organs.

13. The technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights and other agencies in the areas relevant to human rights offer support to Governments and civil society in creating conditions for the work of human rights defenders. The adoption of national plans of action in the field of human rights, as a participatory process involving both governmental bodies and non-governmental organizations, provides a good framework for strengthening human rights advocacy. In many countries, the establishment and functioning of independent national human rights institutions significantly contributes to the same end. Projects in the area of human rights education provide another example of the assistance offered by the United Nations in line with the Declaration.

14. The Assisting Communities Together (ACT) project, implemented by the Office of the High Commissioner in cooperation with the United Nations Development Programme in more than 20 countries, launched in 1998 on the occasion of the fiftieth anniversary of the Universal Declaration of Human

Rights, is intended to support practical human rights activities at the grass-roots level. This project is based on a bottom-up approach which emphasizes the role of civil society in the promotion and protection of human rights. It aims, through the provision of small grants to bona fide human rights defenders working individually or in association with others, at empowering people locally to raise human rights awareness and resolve local human rights problems. Thus, the ACT project also contributes to strengthening partnerships between United Nations and local human rights constituencies. Initially financed from voluntary contributions provided by Governments, the ACT project is now supported by the United Nations Fund for International Partnerships.

15. The Secretary-General has consistently underlined the importance of the Declaration and the need to promote its effective implementation.[7] He has also drawn attention to the importance of cooperation between non-governmental organizations and United Nations human rights bodies in order to advance its implementation. In particular, the Secretary-General has highlighted the important role in the campaign for the implementation of the Declaration of organizations, such as the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organization against Torture and the International Federation of Human Rights Leagues. The High Commissioner has also consistently urged the effective implementation of the Declaration. In her speech at the opening of the fifty-sixth session of the Commission on Human Rights, the High Commissioner emphasized the compelling need to take further measures to protect human rights defenders, and stated that the human rights community was looking to the Commission to implement the Declaration with practical measures. Human rights treaty bodies, as well as such United Nations entities as the United Nations Children's Fund, have also focused on the Declaration.

III. Special representative for human rights defenders

16. The Commission on Human Rights, by resolution 2000/61, requested the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration. In accordance with the decision of the Commission, which was endorsed by the Economic and Social Council in its decision 2000/220, the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

17. The Special Representative is expected to submit annual reports on his or her activities to the Commission on Human Rights and to the General Assembly, and to make suggestions and recommendations enabling him or her better to carry out his or her tasks and activities.

18. In its resolution 2000/61, the Commission urged all Governments to cooperate with and assist the Special Representative and to furnish all information in the fulfilment of his or her mandate upon request. Further, it requested the Secretary-General to provide the Special Representative with all necessary assistance, in particular in terms of staff and resources, and requested the Special Representative to report annually on his or her activities to the Commission and the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities.

19. The establishment of the implementation mechanism for the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms is a further milestone in the international efforts made since 1948 to recognize the vital role of human rights defenders in the improvement of the situation of human rights throughout the world, and to look for ways to provide more effective international protection to them and to their activities. This will be a central international mechanism for making the rights and responsibilities of

human rights defenders, as laid down in the Declaration, a reality.

Notes

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] General Assembly resolution 53/144, annex.

[3] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[5] See, respectively, E/CN.4/1999/4, chap. II, sect. A, and E/CN.4/2000/2, chap. II, sect. A.

[6] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[7] See, for example, E/CN.4/2000/95 and A/54/280.